

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED
Date 10/17/2011
11:43 o'clock A.M.
Sandra K Markham, Clerk
By: Becky Hamilton
Deputy ✓

DIVISION: 1

SANDRA K MARKHAM, CLERK

HON. DAVID L. MACKEY

BY: Becky Hamilton, Deputy Clerk

CASE NO. P1300CR201001325

DATE: October 17, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Jeff Paupore
Steven Young
Deputy County Attorneys (e)

Plaintiff

(For Plaintiff)

vs

STEVEN CARROLL DEMOCKER

Craig Williams (e)
DeRienzo, Williams

D-1

Greg Parzych (e)
(For Defendant)

HEARING:

NATURE OF PROCEEDINGS

COURT REPORTER

Re: Settlement Conference

Lisa Chaney

START TIME: 11:00 a.m.

APPEARANCES:

Jeff Paupore, Deputy County Attorney
Steven Young, Deputy County Attorney
Dennis McGrane, Deputy County Attorney
Steven Democker, Defendant in custody
Craig Williams, Counsel for Defendant
Greg Parzych, Counsel for Defendant

The Court advises all present of victim rights.

The Court notes this matter is set for a 17.4 hearing on November 15, 2011.

The State reports working with Counsel Williams to schedule interviews; however no interviews have been conducted since the August 12th hearing. The State hopes to complete a majority if not all of the interviews by the end of the year. Counsel is unsure if the victims will attend the 17.4 hearing; however, Counsel will make every effort to have the victims available by telephone.

The Court addresses the parties on the location and layout for the 17.4 hearing.

Court and Counsel discuss the Settlement Conference Memorandums.

The Court clarifies the Settlement Conference Memorandums will not be exchanged between the parties but submitted to the Division 1 Judicial Assistant to be distributed to the Judges involved. The Court suggests the memorandums be sent electronically as well as a hard copy provide in a sealed envelope.

Counsel Williams states that the defense will comply with Court orders but would prefer to forgo the 17.4 Settlement Conference for reasons stated on the record. Counsel objects to a Settlement Conference past September and would like to proceed to the Motion to Dismiss and the Trial.

The Court does not **FIND** that the scheduling of the settlement conference has risen to the level where there is so much coerciveness that a reasonable plea cannot be found.

Counsel Williams withdraws any waiver of speedy trial as the Defendant does not wish to waive time.

Based upon the prior hearing, the Court **FINDS** there has been a waiver of Rule 8 time into February of 2012.

Given the difficulty of this case, the estimated length of trial and the numerous motions pending, the Court **FINDS** that every effort has been made to obtain a Judge by the September 7th hearing date.

The Court **FINDS** that it is extraordinarily difficult given there are only three judges on the Yavapai County Bench that could hear this matter and all the remaining judges have conflicts that would prevent them from hearing this matter.

Given the circumstances stated on the record, the Court **FINDS** that time is clearly excluded. The Court will continue to move along the path which was outlined at the hearing on August 12th to arrange for a Judge that could hear this case starting in February of 2012.

Recognizing any indicated waiver has been withdrawn; the Court **FINDS** there has been an implicit waiver that cannot be withdrawn. The Court **FINDS** good cause for exclusion of time given the numerous motions.

END TIME: 11:43 a.m.